



April 19, 2024

City of Markham
Community Planning and Development Services Branch
101 Town Centre Boulevard
Markham, ON
L3R 9W3

Attn: Ms. Lily-Ann D'Souza

Dear Ms. D'Souza,

**Re: Markham Road- Mount Joy Secondary Plan: Final Study and Draft Policy Framework
Comments
9999 Markham Road
City of Markham**

Evans Planning acts on behalf of 2585231 Ontario Inc., the Owner of the property legally described as 'Part of Lot 20, Concession 8, City of Markham', and municipally known as 9999 Markham Road (the 'subject property'). The subject property is located on the east side of Markham Road, south of Major Mackenzie Drive East. The property is currently vacant, and has a total lot area of approximately 12.84 hectares (31.7 acres).

The Owner has previously submitted multiple applications to facilitate the redevelopment of the subject property, including:

- Zoning By-law Amendment and Draft Plan of Subdivision, approved by City of Markham Council at its meeting on December 10, 2019 (City File: ZA/SU 18 180621). The implementing amendment was approved as By-law 2019-139 on December 20, 2019.
- Site Plan Control approval for the first phase of the proposed development (Phase 1A) (City file SPC 19 127869)
- Zoning By-law Amendment for a subsequent phase (Phase 1C) to permit a 12-storey mid-rise building, deemed complete on December 22, 2021 (City file: PLAN 21 147900)

Additional applications to amend the Zoning By-law, as well as for Site Plan Control will be required for future phases of the proposed development.

The Owner has been an active participant in the Secondary Plan process, and has provided comments at prior Development Services Committee meetings, as well as the various workshops and open houses held by the City, including written correspondence related the previous Draft OPA in October 2023 and verbal

comments at the November 2023 DSC Meeting. We appreciate the opportunity to review the updated draft Official Plan Amendment and responses to our prior comments, and wish to provide the following for your consideration on behalf of our Client:

Amendments to Markham Official Plan (2014) (the 'MOP')

Policy/Figure 9.3.6:

The proposed Amendment seeks to illustrate the location of a 'park site' within a future phase of the proposed development of the subject property. While it is acknowledged that the location of a future park has been previously discussed with City Staff, we continue to have concerns regarding the suggestion of a specific area and shape within Figure 9.3.6 prior to the submission of applications for said future phase. We request that the proposed Figure be revised to simply indicate a general location of a park, subject to future determination through a development application and/or Master Parks Agreement. This would be consistent with the approach taken in Map 14, wherein the desired general location of future parks are identified with a coloured dot.

The Staff response to our prior comment on this matter does not address this concern.

Policy 9.3.7.2:

We continue to suggest that given the potential for a new GO Station north of Major Mackenzie Drive, we suggest that the description of the Secondary Plan Area should include reference to the potential for future expansion to accommodate same. While Staff are correct in noting that these lands are outside of the urban boundary, this does not negate the fact that the basis of large portions of the Secondary Plan are predicated on the location of such a station. Accordingly, we feel it would be appropriate to reference it in some manner.

Maps 1, 2, and 3:

We object to the partial redesignation of the property from 'mixed use' to 'residential' and request that the 'mixed use' designation be retained for all portions of the subject property west of Anderson Avenue within the both Secondary Plan and MOP.

Greenway System/Natural Heritage Network/Valleyland/Mapping

Thank you for confirming that the limits of the Greenway System correspond with the approved Draft Plan of Subdivision (DPOS). Notwithstanding this, our comment pertaining to the ultimate use of Block 5 on the DPOS remains valid, and has been recognized through provisions of the Subdivision Agreement. We continue to request that any mapping associated with the Secondary Plan denote that this Block is subject to further study to determine its ultimate use and will be appropriately zoned as part of a future process. Accordingly, the potential that this Block may be used for residential purposes should be reflected in the MOP.

Draft Secondary Plan

Mobility/Vehicle Parking Rate (Section 7.1.4)

The intent to address parking requirements through the implementing Zoning By-law and Parking Strategy is noted, however the timing of same is unknown at the present time. Particularly given the intent of the Province related to parking supplies in proximity to higher order transit as outlined in Bill 185, we request that

the policies related to parking within the Secondary Plan demonstrate the City's commitment to sustainability by framing such requirements in the context of 'maximum' parking rates, rather than 'minimum' rates.

Community Structure – North Precinct

We appreciate the revision to the community structure and land use plans to recognize the provision of mixed-uses along Major Mackenzie Drive (MMD) and Markham Road. Notwithstanding this, the extent of same should be noted to be conceptual given that the internal layout of the laneway network that could comprise future phases of development on the subject property remains unknown at the present time.

Please also refer to our prior comments related to the ultimate use of Block 5.

Parks System (Section 3.1.8)

Refer to our above comments above related to the size, configuration, and location of the future park contemplated in future phases of the development of the subject property.

We suggest that the Secondary Plan consider all means of achieving an appropriate level of parkland for the study area, including through the inclusion of stratified parks and privately owned, public spaces (POPS) within the master parks plan and/or Parks Agreement. These types of parks have the potential to contribute to developing the unique sense of place and character for the Study Area and individual development sites therein. We further suggest that partial credit for parkland contribution should be provided by City for the provision of these alternative parkland areas (as has been done in other areas of the City such as Markham Centre).

Greenway System:

While we note the response from Staff regarding the extent of the Greenway System, we reiterate our prior comments related to Block 5 on the approved Draft Plan of Subdivision. The ultimate use of this Block has not been determined, and the Owner reserves the right to potentially permit redevelopment of these lands through a future application process. The City has acknowledged same through the language of the Subdivision Agreement.

Compact Community (Policies 5.1.1-5.1.4)

Please clarify how this Section may need to be revised/updated if a second GO Station is established?

We continue to note that the York Region Official Plan (2022) (the 'YROP') identifies Major Mackenzie Drive as a *Rapid Transit Corridor* terminating at Markham Road, as well as the potential for a new *GO Rail Station subject to further study* in the vicinity of Major Mackenzie Drive along the Stouffville Rail Corridor.

On this basis, we continue to suggest that consideration for greater heights and densities at this intersection would be appropriate as a 'secondary node' within the Secondary Plan to avoid the potential need for future amendment to the Plan. While this appears to have partially been addressed through the inclusion of Site-Specific Policy 9.1, we feel that it is important the overall structure of the Secondary Plan also address this potential addition which would significantly impact the nature of the area.

Affordable Housing

We support the inclusion of Policy 8.7.5 in order to incentivize the creation of affordable housing units by exempting the gross floor area associated with same from the calculation of height and density, however suggest that this should be expanded further. Given the realities of construction – specifically that the cost to build an affordable unit is no different than the cost to build a market unit - these units may need to be sold at a loss to meet the definition of ‘affordable’ for a specific area. We suggest that incentives be provided to offset the costs of these units to ensure that market rate units are not required to subsidize ‘affordable’ units, thus resulting in increased costs for all. Such incentives could include the reduction/elimination of planning and permit application fees, development charges, parkland contributions, or community benefits charges, as well as the elimination of the need to provide parking for any ‘affordable’ units.

We continue to suggest that the target of 25% of new housing units being affordable, is laudable but may be unrealistic. Further clarification as to how the City will implement an Inclusionary Zoning (IZ) framework given the proposed target exceeds the maximum provisions of the Act as proposed to be amended by Bill 23 through a future Ontario Regulation, and also that a portion of the lands within the Secondary Plan (including the subject property) are not within a Protected Major Transit Station Area (PMTSA) or subject to a Community Planning Permit System (CPP). Similarly, the target exceeds the ultimate requirements of the Inclusionary Zoning policies for the strongest market area adopted by Council for the City of Toronto, which are to be phased in over the course of several years.

Given the uncertainty inherent in the development process, the time it takes to bring a project to conclusion, and the general market uncertainty, requiring such an onerous target may lead to the cancellation of existing or planned projects, or developers seeking other opportunities for development outside of the Secondary Plan Area and/or City of Markham. This uncertainty would also make providing the details required in the ‘housing impact statement’ provided in Policy 5.1.8(b) difficult to provide with any degree of certainty.

We suggest that consideration should be given to phasing or transitioning towards whatever target is ultimately determined in order to accommodate projects already in the development process, such as with our Client’s lands.

We are also concerned that the Secondary Plan does not include reference to ‘attainable’ or ‘intrinsically affordable’ units. We feel that increasing the diversity and supply of housing options through the provision of apartment, townhouse, stacked townhouse, and other innovative design options is a crucial element in creating not only a complete and diverse community, but also contributes to the inherent affordability of said community by providing options for all income levels. Alternative forms of housing can be considered affordable when compared to the relatively limited supply of traditional forms of ground related housing, although may not meet the strict definition of ‘affordable’.

Multi-Use Trail (Policy 5.2.1 and 6.1.23)

We continue to request consideration of parkland credit for the multi-use trail which is to be installed along the rail corridor on the subject property, which is likely to be a unique condition within the Secondary Plan area given it is a publicly accessible multi-use trail that has been provided at the request of the City over lands which are to remain privately owned and form part of a condominium. Given this facility would establish

an active transportation function that would offset demand from local parks, and provides easier access to a potential future GO Station, consideration of a credit applied towards parkland requirements is equitable.

Pedestrian Crossings (Policy 6.1.4)

While we acknowledge the response of Staff, in that the precise location of the pedestrian crossing indicated on Schedules SP1 and SP7 is subject to further study, it remains shown on our Client's lands, and more specifically within Phase 1A of the proposed development, for which Zoning has been approved, and which is to be of common element condominium tenure.

We reiterate that if public access is contemplated over the pedestrian walkway proposed through our Client's development west of the rail corridor further details must be provided in relation to how maintenance and liability are to be handled in order to minimize potential costs and risk to the future condominium corporation and the residents therein.

Streets and Blocks (Policy 6.1.8, 7.1.1, 7.1.2, and SP6)

We appreciate the response of Staff, however suggest that the Policies of Section 7.1.2.4 do not address our concern. We continue to request that further language be included to clarify that any future street network (being those not already approved as part of the Draft Plan of Subdivision, or Site Plan Control application for Phase 1A) on the subject property as shown on schedules to the Secondary Plan are conceptual only, and are not to be construed as an accepted ultimate alignment or tenure of right-of-way.

Streetscapes

We acknowledge that the details required to substantiate appropriate soil volumes are a matter for detailed design, however continue to suggest that the appropriate City Standards should be reviewed in conjunction with Policies 6.1.12, 13, and 14, to ensure that it is functionally viable to provide same. We also suggest that consideration for allowing low impact development measures (LIDs) within the boulevard of a public right-of-way should be considered to help offset the impact of the extension of future roads without the need to resort to downstream measures such as storm ponds. These measures could also be beneficial to the pedestrian realm and contribute to increased naturalization of the community.

Public Art

We suggest that to expedite approval and provide certainty to proponents, the provision of Public Art as an 'in kind' contribution for the purposes of the Community Benefits Charge (CBC) By-law or successor, should be permitted as-of-right.

Built Form:

We respectfully suggest that there may be situations wherein it is desirable to have awning, canopies, or signage which encroaches into the ROW to ensure a compact and pedestrian friendly environment.

We acknowledge the response of Staff, but continue to suggest that the proposed tower separation of 30-metres as provided in Policy 6.1.34 is too large, and not consistent with the intent to create a compact community. We would suggest that a reduced tower separation of approximately/generally 25-metres can still maintain privacy and sky-views, while mitigating shadow and wind impacts. We suggest that the required separation ought to be based on outcomes and context rather than a specific distance codified in policy.

Markham Road

We appreciate the response of Staff with respect to the need for a future EA. Notwithstanding this, given the recent announcements by the Province, we request clarification as to whether an EA is still a required process?

Residential Mid- and High-Rise

Please clarify whether the permission for 'stacked' townhouses include back-to-back stacked units?

Public Park (Policies 8.5.1-8.5.3)

Refer to our comments above. Our Client reiterates their intent to preserve the right to modify the size and location of the contemplated park west of Anderson Avenue through future development applications, subject to review and acceptance by City Staff. Accordingly, please confirm if the park anticipated within future phases on the subject property is the 'Parkette' identified in Policy 8.5.3(j)?

Height and Density (Section 8.7)

We appreciate the revisions to the schedules to make the applicable Height and Density more legible, however note that the built form identified for the lands comprising the proposed Phase 1C development does not comply with the application made in December 2021 (pending as City File PLAN 21 147900). The initial application proposed a 12-storey apartment building (exclusive of mechanical penthouse) with an anticipated density of 3.15 FSI, whereas the Secondary Plan proposes 10-storeys and 3.0 FSI. We request that for these lands, the schedules be revised to indicate a maximum height of 12-storeys and 3.15 FSI.

We further request that the Secondary Plan clarify what constitutes a 'storey' in order to provide certainty with respect to how rooftop access and amenity levels, and internal mezzanines may be considered. Additionally, in instances where above-grade parking is necessary due to groundwater or other context conditions (such as an elevated right of way), would these levels be considered as 'storeys'?

Generally, we find the density provision on Appendix 2 are too low to actually permit the intended height, and question how these were determined. Specifically, given the detailed plans provided as part of the above-referenced application, a maximum FSI of 3.0 for mid-rise buildings is insufficient, and request that it be increased to 5.0-5.5 to allow flexibility.

Please clarify if it is anticipated that the provisions of Policy 8.7.3 would apply to lands around a future GO Station at Major Mackenzie Drive as well? Additionally, we question why additional height should be limited to only 5-storeys beyond what is shown in the Secondary Plan if it can be demonstrated that all other aspects of the Plan are met.

See also our prior comments related to Policy 8.7.5.

Policy 9.1

We support this Policy in principle, but suggest that there may be merit in considering additional height irrespective of the decision of Metrolinx to approve a further GO Station. Given the context of the property, and the connectivity to the existing Mount Joy GO Station that would be established upon the completion of the Anderson Avenue extension, as well as the future transit infrastructure envisioned along Major Mackenzie

Drive within the YROP (wherein the street is identified as a *Rapid Transit Corridor*), there is ample opportunity for these lands to contribute positively to the establishment of a compact, transit supportive community.

On this basis, we suggest that the Secondary Plan be revised to contemplate additional height and density for the subject property abutting Markham Road and Major Mackenzie Drive, which would serve as a 'secondary node' within the community.

Please also provide clarification with respect to which height/density would apply for lands with frontage onto both Streets. We suggest it be the greater.

We also suggest that the provided densities of 7.5 and 7.0 FSI is insufficient to accommodate the anticipated heights and built form.

Implementation

A policy should be added to Section 10.2 similar to 10.4.3.

For the purposes of Section 10.2 (Developers Group Agreement) and 10.4 (Parkland Dedication and Master Parkland Agreement), we feel the City must take an active role in coordinating the initial formation of the Group given the multitude of Owners across the Plan Area.

Map SP3

We request that the block of land abutting Anderson Road at the southern boundary of the property currently labelled as 6-storeys be increased. This is consistent with concept plans previously provided to Staff.

Should you require any additional information, please contact the writer at your earliest convenience.

Sincerely,



Adam Layton, MCIP, RPP

cc. Mr. Giulio Cescato City of Markham
Mr. Darryl Lyons, City of Markham
Mr. Duran Wedderburn, City of Markham
Mr. Stephen Lue, City of Markham
Ms. Stacia Muradali, City of Markham
2585231 Ontario Inc.